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**VIA ECF**

The Honorable Andrew L. Carter, Jr.  
United States District Court  
Southern District of New York  
40 Foley Square, Room 435  
New York, NY 10007

Re: *Hedgeye Risk Management, LLC v. Dale*, No. 1:21-cv-3687 (ALC) (RWL)

Dear Judge Carter:

This firm represents Plaintiff Hedgeye Risk Management, LLC in this matter. We write in response to the Dale Defendants' letter to the Court dated February 4, 2025. Dkt. No. 723. Frankly, we are unsure what the Dale Defendants' are asking of the Court. They describe conceptual objections (with which we disagree both as to fact and law), but they have not identified any specific issues for resolution, nor have they represented that the parties have completed their efforts to meet and confer (writing instead that they anticipate disagreement "based on what the parties have exchanged so far").

Once again, this appears to be gamesmanship aimed at influencing the Court's views on the merits of the case and/or the parties' efforts to discharge their respective obligations. Hedgeye respectfully submits that the parties can and should file their summary judgment papers on February 11, 2025 (pursuant to the Court's prior orders), and any "live" issues with respect to confidentiality can be resolved in due course. The parties still have briefing to complete with respect to motions in limine -- which will also include confidential information about which the parties will need to try to reach agreement -- and completion of that briefing is more than a month away.

There is no reason these matters require the Court's attention at this time, but the parties should certainly bring any concerns to the Court once the issues are ripe for resolution. Thank you for your kind consideration.

Respectfully submitted,

/s/ Eric A. Prager

Eric A. Prager

cc: All counsel via ECF